

ay



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,097	03/05/2001	Yoel Givol	LGL-002	2738

21323 7590 07/01/2005

TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/800,097	Applicant(s) GIVOL ET AL.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “421” (in Fig. 3A) and “321” (in Fig. 3B) have both been used to designate Profiler 421. It appears that Profiler “321” in Fig. 3B should be corrected to be --421--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: on page 10, line 12, “streaming video module 240” should be --290--.

Appropriate correction is required.

### *Claim Objections*

Art Unit: 2614

3. Claims 20 and 21 are objected to because of the following informalities: the claims appear to be dependent on claim 18 not claim 17. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Atalla (USPN 5,832,287), cited by the Examiner.

As to claim 1, note the Atalla reference which discloses a method of distributing a plurality of digital video clips to a plurality of users (see the Abstract and col. 1, line 66 – col. 2, line 6). The claimed receiving the plurality of digital video clips from at least one database over a wide area communication network (WAN) in response to requests from the plurality of users is met by the video distribution which includes movies and other interactive video programs from a master file 11 (Fig. 1) of video information, where the master file 11 distributes the video programs to the community systems 10 or wide area communication network in response to requests from the plurality of users 13 or 90 (see the Abstract and col. 1, line 66 – col. 2, line 6, also see Fig. 2 and col. 2, lines 18-41). The claimed the plurality of users (13 or 90) being in communication with a local area communication network (WAN) is met by each community system 10 may have direct connection to each user 13/90, or have...serial high speed digital data links 15...or 80 or 92 (col. 2, lines 11-17, also see Fig. 2 and col. 2, 18-41). The claimed storing

Art Unit: 2614

each of the plurality of digital video clips in at least one carousel according to the order in which each of the plurality of digital video clips is received is met by the community system 10 which stores the video programs that are actively being used (col. 2, lines 6-8), and includes a moving memory module (MMM) 30 which includes a plurality of mass-memory, magnetic-disk storage devices 32 (see Fig. 2 and col. 2, lines 18-41). The claimed at least one carousel being in communication with the WAN and the LAN is met by the MMM 30 which includes the magnetic-disk storage devices 32 as described above that are connected or in communication with the WAN and LAN through the microcell access switch 70 (see Fig. 1 and col. 2, lines 18-41). The claimed transmitting each of the plurality of digital video clips simultaneously to each of the plurality of users over the LAN according to the order in which each of the plurality of digital video clips was received is met by the microcell access switch and control CPU 76 which may serve multiple users substantially simultaneously, where each MMM 32 repetitively cycles through its contents and broadcasts or distributes the data simultaneously (col. 2, lines 6-29, col. 2, line 66 – col. 3, line 8, col. 3, lines 25-32 and 47-52, col. 3, line 67 – col. 4, line 3 and col. 4, lines 32-36).

As to claim 2, the claimed step of processing the requests for the plurality of digital video clips from the plurality of users is met by the control CPU 76 of the microcell access switch as describe above (see col. 2, lines 6-29, col. 2, line 66 – col. 3, line 8, col. 3, lines 25-32 and 47-52, col. 3, line 67 – col. 4, line 3 and col. 4, lines 32-36).

As to claim 3, the claimed step of processing the requests comprises eliminating duplicate requests is met by having users who make duplicate requests access the same community system video program file, whereas, when a user requests a video program that is not in the community

Art Unit: 2614

system video program file...the CPU 76 requests the video program from the mast file/host gateway 20... (see col. 3, lines 47-62).

As to claim 4, the claimed step of processing the requests comprises determining if a requested digital video clip is in the at least one database is met by the cited section of Atalla as described above in claim 3.

As to claim 5, the claimed step of compiling a list of previously requested digital video clips is met by the microcell access switch 70, which maintains a table that lists the video programs which are in the moving memory modules 30, where the video programs are the programs or digital video clips that were previously requested by one or more users (col. 5, lines 57-62).

As to claims 9-12, the claims are rejected based on similar grounds as the rejection of claims 1-2 respectively.

As to claim 13, the claimed user interface for allowing the plurality of users to request, receive, and view each of the plurality of digital video clips transmitted by the transmitting module is met by user interfaces 73 (Fig. 3 and col. 6, lines 9-46) and/or user set top interfaces 94 (see Figs. 3-4 and col. 6, line 57 – col. 7, line 12).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

7. Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atalla.

As to claim 6, the Atalla reference discloses a method of distributing a plurality of digital video clips to a plurality of users as described above in claims 1-5. Atalla does not explicitly disclose the claimed method further comprising requesting additional digital video clips be sent to the at least one carousel based on the list of previously requested digital video clips. However, the examiner takes Official Notice that it is notoriously well known in the art of computer systems and more specifically video distribution systems which include the use of accessing a remote server, such as a carousel type system, to request that additional digital video clips be sent to one or more carousels based on a list of previously requested digital video clips for the advantage of providing increased server capacity due to the probability of a greater user demand or popularity for a particular video clip or program. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have the capability of requesting additional digital video clips be sent to the at least one carousel based on the list of previously requested digital video clips for the advantage given above.

As to claim 8, the Atalla reference discloses storing a plurality of digital video clips in at least one carousel as previously described above in claim 1. Atalla does not explicitly disclose the claimed storing each of the plurality of digital video clips in a particular one of the at least one carousel based on origin of the digital video clip. However, the examiner takes Official Notice that it is notoriously well known in the art to store programs or digital video clips in a particular memory area or storage device including a carousel, or even in a particular partition of a storage area based on origin of the program or digital video clip for the advantage of providing

Art Unit: 2614

an organization of one or more storage carousels based on what source the digital video clips are received from, in addition to, some sources may be more popular or in higher customer demand which may require that additional storage capacity be allocated for certain types of sources that the carousel(s) receive. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have the capability of requesting additional digital video clips be sent to the at least one carousel based on the origin of the digital video clip for the advantages given above.

As to claim 14, the claimed profiler for compiling a list of previously requested digital video clips is met by the microcell access switch 70 of Attalla, which maintains a table that lists the video programs which are in the moving memory modules 30, where the video programs are the programs or digital video clips that were previously requested by one or more users (col. 5, lines 57-62). Atalla does not explicitly disclose the claimed requesting additional digital video clips be sent to the at least one carousel based on the list of previously requested digital video clips. However, the examiner takes Official Notice that it is notoriously well known in the art of computer systems and more specifically video distribution systems which include the use of accessing a remote server, such as a carousel type system, to request that additional digital video clips be sent to one or more carousels based on a list of previously requested digital video clips for the advantage of providing increased server capacity due to the probability of a greater user demand or popularity for a particular video clip or program. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have the capability of requesting additional digital video clips be sent to the at least one carousel based on the list of previously requested digital video clips for the advantage given above.



Art Unit: 2614

As to claim 16, the claim is rejected based on similar grounds as the rejection of claim 8 respectively.

8. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atalla, in view of Bisdikian et al (USPN 6,047,317), both cited by the Examiner.

As to claim 7, the Atalla reference discloses storing a plurality of digital video clips in at least one carousel as previously described above in claim 1. Atalla does not explicitly disclose the claimed storing each of the plurality of digital video clips in a particular one of the at least one carousel based on subject matter of the digital video clip. However, Bisdikian et al teaches an application wherein multiple video frames which define major sub-categories of a particular subject may be stored and accessed in a particular carousel. In addition, Bisdikian et al discloses that by interspersing higher priority video frames in a carousel, image selection latency time is reduced. Therefore, it would have been obvious to one of ordinary skill in the art to have modified the method of storing a plurality of digital video clips in at least one carousel as disclosed by Atalla with the additional teachings of Bisdikian et al which teaches storing video clips or frames in a particular carousel based on the subject matter of the video clips or frames for the advantages of reducing selection latency time and providing an organization of storage carousels according to categorization of video clips.

As to claim 15, the claim is rejected based on similar grounds as the rejection of claim 7 respectively.

Art Unit: 2614

9. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (USPN 6,268,849), cited by the Examiner.

As to claim 17, note the Boyer et al reference which discloses a method of obtaining digital video clips. The claimed receiving a live broadcast video feed and associated data feed, the live broadcast video feed comprising an event clock and live broadcast video images including the associated live data feed comprising data associated with the live broadcast video images is met by the computer system 100 that includes transmission server 16, which receives real-time data including television broadcasts, events, weather data, sports scores, video stills, video and audio clips, interview segments, etc., along with program information related to the events or programs received from one or more real-time data processing facilities 20, 22, 24 and 26 via network links 30 and 32 and/or via satellite links 34 and 36 (see col. 4, lines 12-67), although Boyer does not explicitly use the claimed term "event clock", Boyer does disclose that embedded real-time data is included with an event or progress that is being televised as described in the section above, in addition to, it is well known in the art of interactive video distribution involving live broadcast video to include event clock data with the associated live data. The claimed storing the live broadcast video images as a plurality of digital video clips in a first database along with a plurality of time-stamps is met by data server 14 and more specifically transmission server 16 where video clips, images, etc. and time information associated with the events are stored in a database (see col. 4, lines 12-67, also see col. 9, line 64 - col. 10, line 10 and col. 11, lines 8-20). The claimed each of the plurality of time-stamps corresponding to a time when an event in each of the plurality of digital video clips occurred, the time-stamps being obtained from the event clock is met in part by Boyer as described above, although Boyer does

Art Unit: 2614

not explicitly use the terms “event clock” and “time-stamps”, it is well known in the art to obtain time-stamps from an event clock in order to provide a user the capability to receive, display and access a live program or event as related to the embedded real-time data previously described above. The claimed storing information about the event in each of the plurality of digital video clips in a second database along with one of the plurality of time-stamps corresponding to the time when the event in the video clip occurred, the information being obtained from the associated live data feed is met by primarily by the data server 14, as well as transmission server 16, which maintain various databases of television program information and the embedded real-time data (see col. 4, lines 12-67, also see col. 9, line 64 - col. 10, line 10 and col. 11, lines 8-20).

As to claims 18-21, the claimed parsing the information stored in the second database to obtain pertinent information and storing the pertinent information in a third database is met in part by the Boyer reference as previously described above which includes multiple databases which may obtain various types of pertinent information including information regarding a sporting event, a news event, and other types of events (see Fig. 13, category icons 844 – which include sports and news, and see col. 4, lines 12-67 and col. 11, lines 2-19). Although, Boyer does not explicitly disclose pertinent information that includes information regarding a musical event, as described in claim 21. The Examiner takes Official Notice that it is notoriously well known in the art of obtaining digital video clips and parsing the information stored in a database to include the additional ability to obtain information regarding a musical event for the advantage of providing a user with the additional functionality associated with obtaining video clips and information related to musical events. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have provided the

Art Unit: 2614

additional feature of including information regarding a musical event with the pertinent information that may be parsed, obtained and stored for the advantage given above.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Basso et al (US 2002/0124262 A1) – Discloses a network based replay portal.

Chernock et al (USPN 6,177,930 B1) – Discloses a system and method for enabling a user to move between cyclically transmitted image streams.

Ellis et al (USPN 6,774,926 B1) Discloses a personal television channel system.

Ellis et al (US 2003/0149988A1) – Discloses a client server based interactive television program guide system with remote server recording.

Gagnon et al (USPN 6,522,342 B1) – Discloses an interactive video distribution system with the use of a carousel.

Howe et al (USPN 5,892,508) – Discloses a system and method for providing television services.

Klosterman (WO 00/21287) – Discloses a method and apparatus for supplying video clips to user terminals.

Matthews, III (USPN 5,815,145 A) – Discloses a system and method for display a program guide for an interactive television system.

Art Unit: 2614

Metz et al (USPN 5,978,855 A) – Discloses a cyclical repetition of a digital data stream on a broadcast channel. The data stream includes video, audio, data and executable code for one or more interactive service applications.

Payton (USPN 5,790,935) – Discloses a virtual on-demand digital information delivery system and method.

Pierre et al (WO 01/33852 A1) – Discloses a system and method for recording pushed data.

Zustak et al (US 2002/0104098 A1) – Discloses programming that is multicast to a class of subscribers for playback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (571) 272-7346.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c)

Art Unit: 2614

and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

**Or faxed to: (703) 872-9306**

**Hand-delivered responses should be brought to:**

Knox Building  
501 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (571) 272-2600.

Michael W. Hoyer  
June 14, 2005



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**